

**Notice of Allowability**

Application No.

10/770,901

Applicant(s)

FERDOLAGE, RICHARD D.

Examiner

Erica E. Cadugan

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to and of 1/23/06 and interview of 3/30/06.
2. ☒ The allowed claim(s) is/are 1-24 and 34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                 |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>3/30/06</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>2/2/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                             | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                        |
|  | 9. <input type="checkbox"/> Other _____.  |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Philip Steiner on March 30, 2006.

The application has been amended as follows:

In the abstract, line 11, "said" has been changed to --the-- (both occurrences).

In the abstract, line 12, "said" has been changed to --the--.

In the abstract, last line, "said" has been changed to --the--.

Claim 1 (Currently Amended). A concentric coaxial cutting machine comprising:

a longitudinal support member;

a transverse support member coupled to said longitudinal support member including;

a headstock member including;

a headstock spindle member coupled to said headstock member including;

a drive spindle rotationally mounted to said headstock spindle

member and aligned to rotationally retain one end of an object to

be concentrically cut;

a tailstock member coupled to said longitudinal support member including;

a tailstock spindle member coupled to said tailstock member including;

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a tailstock spindle rotationally mounted to said tailstock spindle member  
and aligned to retain an opposite end of said object;

a drive assembly in rotational communication with at least said drive spindle and  
configured to rotate said drive spindle about a common longitudinal axis with said tailstock  
spindle; [and,]

a first chain saw variably align-able at an [angles] angle to said common longitudinal axis  
such that said chain saw engages said object from at least said opposite end; and,

wherein said tailstock spindle member is pivotally connected to said longitudinal support  
member so as to be repositionable about a long dimension of said longitudinal support member.

Claim 2 (Previously Presented). The concentric coaxial cutting machine according to  
claim 1 further comprising a repositionable accessory table transversely coupled to said  
longitudinal support member wherein said accessory table includes means for supporting  
additional cutting, roughing or finishing equipment.

Claim 3 (Currently Amended). The concentric coaxial cutting machine according to  
claim 1 wherein said headstock member is repositionable [about] with respect to a long  
dimension of said longitudinal support member.

Claim 4 (Currently Amended). The concentric coaxial cutting machine according to  
claim 1 wherein said tailstock spindle member is repositionable [about] along a long dimension  
of said tailstock member.

Claim 5 (Currently Amended). The concentric coaxial cutting machine according to  
claim 1 wherein said tailstock member is laterally repositionable [about] with respect to said  
[transverse] longitudinal support member.

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Claim 6 (Previously Presented). The concentric coaxial cutting machine according to claim 1 wherein said first chain saw is pivotally coupled to said tailstock member.

Claim 7 (Currently Amended). The concentric coaxial cutting machine according to claim 6 wherein said first chain saw is laterally repositionable [about] with respect to said [transverse] longitudinal support member.

Claim 8 (Currently Amended). The concentric coaxial cutting machine according to claim 6 wherein said first chain saw is perpendicularly repositionable [about] relative to said transverse support member.

Claim 9 (Previously Presented). The concentric coaxial cutting machine according to claim 1 wherein said longitudinal support member comprises an elongated conduit.

Claim 10 (Currently Amended). The concentric coaxial cutting machine according to claim 9 wherein said [headstock member] transverse support member comprises a transverse base coupled to one end of said elongated conduit.

Claim 11 (Currently Amended). The concentric coaxial cutting machine according to claim 10 wherein said headstock spindle member comprises a rotary table [base] coupled to said transverse base and having said drive spindle centered thereon.

Claim 12 (Currently Amended). The concentric coaxial cutting machine according to claim 11 wherein said rotary table includes [one of: a plurality of T-slots and] an attachable multi-jawed chuck.

NOTE: the rotary table having a plurality of T-slots was not shown in the drawings in accordance with 37 CFR 1.83(a).

Claim 13 (Currently Amended). The concentric coaxial cutting machine according to claim 1 wherein said [transverse support] tailstock member is longitudinally repositionable [about] along a substantial length of said [elongated conduit] longitudinal support member.

Claim 14 (Currently Amended). The concentric coaxial cutting machine according to claim 9 wherein said [traverse support] tailstock member is rotationally repositionable about a radius of said elongated conduit.

Claim 15 (Previously Presented). The concentric coaxial cutting machine according to claim 1 wherein said first chain saw is repositionable by a plurality of jackscrew drives in repositionable communication with said first chain saw.

Claim 16 (Previously Presented). The concentric coaxial cutting machine according to claim 1 wherein said first chain saw is replaceable with one of: another cutting tool, a grinding tool and a finishing tool.

Claim 17 (Currently Amended). The concentric coaxial cutting machine according to claim 1 wherein said tailstock spindle member is repositionable by a plurality of jackscrew drives in repositionable communication with said tailstock spindle member.

NOTE: the tailstock member 10 does not appear to be repositionable by a plurality of jackscrew drives. However, tailstock spindle member 40 is.

Claim 18 (Previously Presented). The concentric coaxial cutting machine according to claim 1 wherein said angle is an acute angle relative to said common longitudinal axis.

Claim 19 (Currently Amended). The concentric coaxial cutting machine according to claim 1 further comprising a second chain saw mounted to an accessory table [said transverse

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support member and variably aligned] at [said] an angle to said common axis [but in opposition to said first chain saw].

Claim 20 (Currently Amended). The concentric coaxial cutting machine according to claim 19 wherein said transverse support member includes a centerline and the headstock spindle member is repositionable relative to the longitudinal support member along the centerline of the transverse support member;

a first horizontal rail;

a second horizontal rail aligned in parallel to said first horizontal rail;

a plurality of periodically spaced perpendicular cross members in rigid communication with said first and said second horizontal rails;

a first traveling tool arm member slidably mounted to said first horizontal rail;

a second traveling tool arm member slidably mounted to said first horizontal rail in opposition to said first traveling tool arm member; and,

wherein said headstock member and said tailstock member are slidably mounted on said second horizontal rail].

Claim 21 (Currently Amended). The concentric coaxial cutting machine according to claim 20 wherein said first chain saw is variably [mounted] coupled to said tailstock member [first traveling tool arm member and said second chain saw is variably mounted to said second traveling tool arm member].

Claim 22 (Currently Amended). The concentric coaxial cutting machine according to claim [20] 1 wherein said headstock member and said tailstock member are [slidably mounted] slidable relative to said [second horizontal rail] longitudinal support member.

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Claim 23 (Currently Amended). The concentric coaxial cutting machine according to claim [20] 1 wherein said [transverse support member] tailstock spindle further includes a drive dog;

a first roller support member slidably mounted to said first horizontal rail;

a second roller support member slidably mounted to said second horizontal rail;

wherein said first and said second support roller members are adapted to support said object at least when said object is being concentrically cut].

Claim 24 (Previously Presented). The concentric coaxial cutting machine according to claim 1 wherein said drive assembly includes;

a variable speed electric motor having a first pulley coupled to a shaft associated with said variable speed electric motor;

a second pulley is at least coupled to said drive spindle; and,

a drive belt in rotational communication with said first and said second pulleys.

Non-elected claims 25-33 have been canceled.

Claim 34 (Previously Presented). The concentric coaxial cutting machine according to claim 1 wherein said object to be concentrically cut includes one of; wood, ice and plastic.

Non-elected claims 35-37 have been canceled.

2. The following is an examiner's statement of reasons for allowance:

Note that U.S. Patent Application Publication No. 2002/0153059 to Cassady, II is considered to be representative of the closest prior art of record to the present invention as set forth in independent claim 1.

Cassady teaches a “concentric coaxial cutting machine” including a “longitudinal support member 130 (Figure 1), a “transverse support member” including at least a portion of headstock 112 (Figure 1) coupled to longitudinal support member 130, a “headstock member” including a headstock spindle member coupled thereto and including a “drive spindle” 122 (Figure 1) which is driven in rotation via a motor (see paragraph 0004) and which retains an end of a workpiece blank, such as 180 (Figures 1, 2 and paragraphs 0004 and 0006, for example).

Additionally, a “tailstock member” (the whole tailstock structure 116 at the right end of the lathe 100 as viewed in Figure 1) is coupled to longitudinal support member 130, and includes a “tailstock spindle member” which includes a “tailstock spindle” 126 (see Figure 1, and paragraph 0004, for example) that is “aligned to retain an opposite end” of a workpiece (see Figure 1, noting that the bed or “longitudinal support member” 130 includes ways 134 and 138 to enable tailstock 116 to slide thereupon to adjust its distance from the headstock 112 (see paragraph 0004), and also noting that while Cassady does not explicitly show a workpiece configuration wherein the other end of the work is engaged by the tailstock, the tailstock is still considered to be “aligned to retain an opposite end of said object” based on its alignment along a common axis with the drive spindle 122 and its moveability along the ways 134 and 138.

Additionally, note that Cassady teaches a chain saw 208 (see Figure 3) that is variably alignable at angles to the common longitudinal axis (see paragraphs 0042-0045, and especially paragraph 0045, lines 4-7, for example). Also note that the chain saw 208 is positioned such that it can engage the workpiece from the end thereof closest to the tailstock 116 (see Figures 1 and 6, for example).



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However, Cassady does not teach that the tailstock spindle member is “pivotally connected to said longitudinal support member so as to be repositionable about a long dimension of said longitudinal support member” as set forth in independent claim 1, and thus, for at least this reasoning, Cassady does not anticipate the present invention as set forth in independent claim 1.

Additionally, there is no combinable teaching in the prior art of record that would reasonably and absent impermissible hindsight motivate one having ordinary skill in the art to so modify the teachings of Cassady, and thus, for at least this reasoning, Cassady does not render obvious the present invention as set forth in independent claim 1.

Cassady being representative of the closest prior art of record to the present invention as set forth in independent claim 1, the prior art of record neither anticipates nor renders obvious the present invention as set forth in independent claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E. Cadugan whose telephone number is (571) 272-4474. The examiner can normally be reached on M-F, 6:30 a.m. to 4:00 p.m., alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Erica E Cadogan  
Primary Examiner  
Art Unit 3722

eec

March 30, 2006